

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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Nos. 14-4202, 14-4203, 14-4204, 14-4205, 14-4206, & 14-4602

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In re: LIPITOR ANTITRUST LITIGATION

RITE AID CORPORATION;  
RITE AID HDQTRS CORPORATION; JCG (PJC) USA, LLC;  
MAXI DRUG, INC. d/b/a Brooks Pharmacy; ECKERD CORPORATION,

Appellants in No. 14-4202

WALGREEN COMPANY; THE KROGER COMPANY;  
SAFEWAY, INC.; SUPERVALU, INC.; HEB GROCERY COMPANY L.P.,

Appellants in No. 14-4203

GIANT EAGLE, INC.,

Appellant in No. 14-4204

MEIJER INC.; MEIJER DISTRIBUTION, INC.,

Appellants in No. 14-4205

ROCHESTER DRUG CO-OPERATIVE, INC.;  
STEPHEN L. LAFRANCE PHARMACY, INC. d/b/a SAJ DISTRIBUTORS;  
BURLINGTON DRUG COMPANY, INC.; VALUE DRUG COMPANY;  
PROFESSIONAL DRUG COMPANY, INC.; AMERICAN SALES COMPANY  
LLC,

Appellants in No. 14-4206

A.F.L.-A.G.C. BUILDING TRADES WELFARE PLAN; MAYOR AND CITY COUNCIL OF BALTIMORE, MARYLAND; NEW MEXICO UNITED FOOD AND COMMERCIAL WORKERS UNION'S AND EMPLOYERS' HEALTH AND WELFARE TRUST FUND; LOUISIANA HEALTH SERVICE INDEMNITY COMPANY, d/b/a BLUE CROSS/BLUE SHIELD OF LOUISIANA; BAKERS LOCAL 433 HEALTH FUND; TWIN CITIES BAKERY WORKERS HEALTH AND WELFARE FUND; FRATERNAL ORDER OF POLICE, FORT LAUDERDALE LODGE 31, INSURANCE TRUST FUND; INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 98; NEW YORK HOTEL TRADES COUNSEL & HOTEL ASSOCIATION OF NEW YORK CITY, INC., HEALTH BENEFITS FUND; EDWARD CZARNECKI; EMILIE HEINLE; FRANK PALTER; ANDREW LIVEZEY; EDWARD ELLENSON; JEAN ELLYNE DOUGAN; NANCY BILLINGTON, ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED,

Appellants in No. 14-4602

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Nos. 15-1184, 15-1185, 15-1186, 15-1187, 15-1274, 15-1323 & 15-1342

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IN RE: EFFEXOR XR ANTITRUST LITIGATION

WALGREEN, CO.; THE KROGER, CO.; SAFEWAY, INC.; SUPERVALU, INC.; HEB GROCERY COMPANY LP; AMERICAN SALES COMPANY, INC.,

Appellants in No. 15-1184

RITE AID CORPORATION; RITE AID HDQTRS., CORPORATION; JCG (PJC) USA, LLC; MAXI DRUG, INC. d/b/a BROOKS PHARMACY; ECKERD CORPORATION; CVS CAREMARK CORPORATION,

Appellants in No. 15-1185

GIANT EAGLE, INC.,

Appellant in No. 15-1186

MEIJER, INC.; MEIJER DISTRIBUTION, INC.,

Appellants in No. 15-1187

PROFESSIONAL DRUG COMPANY, INC.; ROCHESTER DRUG CO-  
OPERATIVE, INC.; STEPHEN L. LAFRANCE HOLDINGS, INC.; STEPHEN  
L. LAFRANCE PHARMACY, INC. d/b/a SAJ DISTRIBUTORS; UNIONDALE  
CHEMIST, INC.,

Appellants in No. 15-1274

PAINTERS DISTRICT COUNCIL NO. 30 HEALTH & WELFARE FUND;  
MEDICAL MUTUAL OF OHIO,

Appellants in No. 15-1323

A.F. OF L.-A.G.C. BUILDING TRADES WELFARE PLAN; DARYL DEINO;  
IBEW-NECA LOCAL 505 HEALTH & WELFARE PLAN; LOUISIANA  
HEALTH SERVICE INDEMNITY COMPANY d/b/a BLUE CROSS/BLUE  
SHIELD OF LOUISIANA; MAN-U SERVICE CONTRACT TRUST FUND;  
MC-UA LOCAL 119 HEALTH & WELFARE PLAN; NEW MEXICO UNITED  
FOOD AND COMMERCIAL WORKERS UNION'S AND EMPLOYERS'  
HEALTH AND WELFARE TRUST FUND; PLUMBERS AND PIPEFITTERS  
LOCAL 572 HEALTH AND WELFARE FUND; SERGEANTS BENEVOLENT  
ASSOCIATION HEALTH AND WELFARE FUND; PATRICIA SUTTER  
(TOGETHER "END-PAYOR CLASS PLAINTIFFS") ON BEHALF OF  
THEMSELVES AND ALL OTHERS SIMILARLY SITUATED,

Appellants in No. 15-1342

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On Appeal from the United States District Court  
for the District of New Jersey

(MDL 2332) / (D.N.J. No. 3-12-cv-02389) / (D.N.J. No. 3-12-cv-02478) / (D.N.J.  
No. 3-12-cv-04115) / (D.N.J. No. 3-12-cv-04537) / (D.N.J. No. 3-12-cv-05129) /  
(D.N.J. No. 3-12-cv-06774) / (D.N.J. No. 3-12-cv-07561)

(D.N.J. No. 3-11-cv-05479) / (D.N.J. No. 3-11-cv-05590) / (D.N.J. No. 3-11-cv-05661) / (D.N.J. No. 3-11-cv-06985) / (D.N.J. No. 3-11-cv-07504) / (D.N.J. No. 3-12-cv-03116) / (D.N.J. No. 3-12-cv-03523)

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Argued May 19, 2017

Before: SMITH, *Chief Judge*, AMBRO, and FISHER, *Circuit Judges*

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**JUDGMENT**

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These causes came on to be considered on the record from the United States District Court for New Jersey and were argued on May 19, 2017.

On consideration whereof, it is now hereby ADJUDGED and ORDERED that the judgments of the District Court entered (1) with regard to appeal Nos. 14-4202, 14-4203, 14-4204, 14-4205, and 14-4206, on September 12, 2014, and (2) with regard to appeal No. 14-4602, on October 31, 2014, be and the same are hereby REVERSED and REMANDED.

Moreover, on consideration whereof, it is now hereby ADJUDGED and ORDERED that the judgments of the District Court entered (1) with regard to appeal No. 15-1323, on January 5, 2015, (2) with regard to appeal Nos. 15-1184, 15-1185, 15-1186, 15-1187, and 15-1274, on January 13, 2015, and (3) with regard to appeal No. 15-1342, on January 16, 2015, be and the same are hereby REVERSED and

REMANDED.

All of the above in accordance with the opinion of this Court. Costs taxed to Appellees.

Attest:

s/ Marcia M. Waldron  
Clerk

Dated: August 21, 2017